

## REMARKS

Applicants appreciate the Examiner's pointing out the typographical errors and lack of antecedent in Claim 25. Accordingly, Claim 25 is being amended to correct the typos and to obviate the Examiner's objection, 35 USC 112, second paragraph.

Claim 25, and its dependent claims, stand rejected, 35 USC 103(a) as being unpatentable over Bher et al US patent 6,107,944 in view of the Hornbuckle published international application WO 90/13865. For the reasons set forth below, applicants respectfully request reconsideration and withdrawal of this rejection.

Applicants' invention is directed to simplifying the provision of more up-to-date aeronautical navigation data in an aircraft while in flight, while still providing security for the transmitted data. The Behr et al disclosure and teaching are directed simply to providing route guidance, i.e., road map information to a car on the road without any concern for security issues. Applicants appreciate that the Examiner recognizes this, as the Examiner has stated that "Behr et al does not teach encryption however."

For the security aspects of applicants' invention the Examiner is relying on the Hornbuckle PCT publication. That publication is directed to the provision over a telephone network of rented software on a pay-for-use basis (see page 5, lines 26-31). How such a pay-for-use rental of software is to be combined with a road map disclosure of Behr et al is not obvious.

However, more significantly, the Hornbuckle teaching is not the simple procedure invented by applicants. Applicants' invention involves, as recited in Claim 25, assigning a unique software key to each aircraft, i.e., to each GPS unit, and then forwarding a request from a GPS unit to a software supplier "said request including the one GPS unit unique software key..." The further processing steps include encrypting software code including a decryption program which only allows the software to be unloaded into a GPS unit having the unique software key that had been sent from that unit to the software supplier.




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In contrast to this unobvious but simple procedure, Hornbuckle does not provide encryption, that is "security or protection for each and every component or module of most rental programs." (Page 19, lines 15-16). Instead, Hornbuckle selects a "key module" which is encrypted. The encrypted key module and a decryption program are then sent, such as on magnetic tape by mail or other delivery service (page 20, line 12) to the customer who wants to rent that software. The encryption key is decrypted at the customer equipment, "using a second, special key built into RCM 18 which is unique to each individual RCM 18." "The decrypted encryption key is then stored in RCM memory 52 until decryption of key module is required." (Page 21, lines 1-2)/

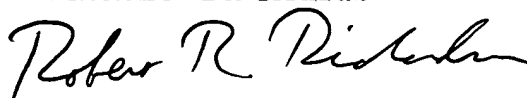
This two step process involving an encrypted "key module" is no way suggestive of applicants' simple and unobvious method wherein after assigning a unique software key to a GPS unit, i.e., to an aircraft, that unique key is forwarded to the supplier with the request for the updated software, and used by the supplier to encrypt the software code to be sent back to the aircraft.

#### CONCLUSION

Accordingly, applicants respectfully submit that Claim 25 is not obvious, in view of Behr et al and Hornbuckle, and reconsideration and allowance of Claims 25-29, as amended, are respectfully requested.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

25. (Amended) A method for providing to each global positioning (GPS) unit in a plurality of aircraft software code containing updated aeronautical navigation data, said method comprising the steps of:

assigning to each GPS unit a unique software key;

forwarding a request from one of said GPS units for the updated aeronautical data to a software supplier, said request including the one GPS unit unique software key and payment authorization information;

encrypting the software code for the updated aeronautical navigation data by the supplier in response to said request, said encrypted software code including a decryption program;

transmitting to the one GPS unit said encrypted software code including said decryption program which only allows software to be unloaded into a GPS unit having the unique software key;

decrypting said transmitted encrypted software code at the one GPS unit according to the one GPS unit's unique software key used to encrypt the software code by the supplier; and

replacing the prior software code at the one GPS unit with the decrypted software code from the supplier.



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